

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4, 7-10, and 15-20 remain in the application. Claims 1-2 and 17 have been amended. Claims 5-6 and 11-14 have been previously cancelled.

In item 2 on pages 2-3 of the above-mentioned Office action, claims 1-4, 7-8, and 15-20 have been rejected as being anticipated by Gaouditz et al. (US 4,022,655) under 35 U.S.C. § 102(b).

In item 3 on pages 4-5 of the above-mentioned Office action, claims 9-10 have been rejected as being unpatentable over Gaouditz et al. either alone or in combination with Sawyer (US 5,303,274) under 35 U.S.C. § 103(a).

The rejections have been noted and the language claims 1-2 and 17 have been modified in an effort to even more clearly define the invention of the instant application. No new subject matter has been introduced.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1-2 and 17 call for, inter alia:

said condenser and said upper end of said drain pipe being disposed in said pressure chamber, and said upper end of said drain pipe being disposed to permit the noncondensable gases to be led off from atmosphere surrounding said condenser and thermally interacting with said condenser.

First, it is noted that the reference Gaouditz et al. has already been used by the Examiner in previous Office actions. As already discussed in the previous responses, the “bubbling duct” 14 in the system of Gaouditz et al. is not comparable with the drain pipe (22) for noncondensable gases according to the present invention in both structural and functional aspects. See, for example, the discussion in the responses dated July 21, 2003 and December 17, 2003. Applicant believes that the rejections over Gaouditz et al. should not be considered as new grounds of rejection and the rejections in this Office action are believed to be improper.

From a first glance of the respective figures of Gaouditz et al. and the present invention it is already clear that an essential difference between the concept of the present invention and the prior art according to Gaouditz et al. lies in that the upper end 24 of the drain pipe 22 in the system of the present invention is not only disposed in the vicinity of the condenser 16 (in the sense of a coordinate description), but also directly communicates with the gas atmosphere surrounding or flowing around the condenser 16. Only in this way can the drain pipe achieve the object of the present invention, namely keeping the gas atmosphere in the vicinity of the condenser 16 and thermally interacting with the condenser free from noncondensable gases which will be drawn off directly into the condensation chamber 15 before the occurrence of a possible massive damp production with corresponding pressure increase. In this way, as described in the specification of

the instant application, the condenser 16 may have an especially simple structure (see page 9, lines 2-9 of the specification of the instant application).

This concept is not disclosed by Gaouditz et al. and also cannot be derived from the system of Gaouditz et al. because Gaouditz et al. do not concern at all the problem of noncondensable gases. Although the tube-coil 37 is spatially (in a coordinate sense) also close to the upper opening of the bubbling duct 14, this upper opening is exclusively in direct fluidic connection with the enclosure 7, which is identified by the Examiner as the pressure chamber. The condenser 37 is, however, located outside of the inner space (enclosure) 7 and in the outer space 10 which is separated from the inner space (enclosure) 7 by steel walls. In other words, even if the noncondensable gases can be drawn off into the outer space 10 from the top region of the inner space 7 (namely, the pressure chamber) through the bubbling duct 14, this has no advantageous effect on the condenser 37. Since the noncondensable gases are not bonded in the liquid 11 at the bottom of the space 10, they would, over the time, gather in the upper region of the outer space 10 and thus damage the thermal dynamic effect of the condenser 37. This is exactly the problem that should be solved by the present invention.

Further, the condenser 37 only contributes to the cooling of the atmosphere located in the outer space 10 above the liquid 11, not the cooling of the atmosphere in the inner space 7.

Clearly, the reference does not show "said condenser and said upper end of said drain pipe being disposed in said pressure chamber, and said upper end of said drain pipe being disposed to permit the noncondensable gases to be led off from atmosphere surrounding said condenser and thermally interacting with said condenser," as recited in claims 1-2 and 17 of the instant application.

Claims 1-2 and 17 are, therefore, believed to be patentable over Gaouditz et al. and since all of the dependent claims are ultimately dependent on claims 1, 2 or 17, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4, 7-10, and 15-20 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Applic. No.: 09/655,091
Amdt. dated October 17
Reply to Office action of July 31, 2007

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
Reg. No. 29,308

YC/bb

October 17, 2007

Lerner Greenberg Sterner LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101